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EXAMINER

NGUYEN, TAN D

ART UNIT PAPER NUMBER

3629

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/848,101

Applicant(s)

GRUBER ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/28&amp;3/24&amp;4/25/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

The Amendment filed 7/19/05 has been entered.

### *Claim Status*

Claims 1-18, 19-36, 37-45, 46 are pending and are rejected as followed.

### *Claim Rejections - 35 USC § 101*

**1. 35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent thereof, subject to the conditions and requirements of this title.

2. As an initial matter, the United States Constitution under Art. 1, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

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3. Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions (3) include (1) "laws of nature", (2) "natural phenomena", and (3) "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (198 1). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Sirattlre Financial Group, Inc.* 149, F.3d 1368, 1973, 47 USPQZd (BNA) 1596 (Fed. Cir. 1998).

4. Mere idea in the abstract (i.e. abstract idea, law of nature, natural phenomena) that do not apply, involve, use or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e. physical sciences as opposed to social sciences, for example), and therefore are found to be non-statutory subject matter. For a process to pass muster, the recited process must somehow apply, involve, use or advance the technological arts.

5. This "two-prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the *Freeman-Walter-Abele* test as applied to *Gottschalk v. Benson*, 409 U.S. 63, 175, USPQ '1BNA) 673 (1972). Additionally, the court decided separately on

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the issue of the "technological arts". The court developed a "technological arts" analysis:

6. Thus the present basis for a 35 USC 101 inquiry is a 2-prong test:

(1) whether the invention is within the useful arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

**7. Claims 46 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

8. As to the 2<sup>nd</sup>-prong test, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, as to claim 46, the claimed invention does not appear to produce a useful, concrete and tangible result. The preamble calls for method for managing relationship, and the 1<sup>st</sup> step calls for asking information about a user's preferences and dislikes on a private group website, and the 2<sup>nd</sup> step for identifying organization engaged in fundraising based on the user's answers to the information asked. These are two non related abstract ideas and does not appear to achieve any useful, concrete and tangible result. What is the result? The preamble calls for "managing relationship" but there is no discussion or explanation of the "relationship" in the body of the claim and how is it managed? What are the parties involved in the relationship and how the relationship is managed? Therefore, claim 46 is merely combination of two abstract ideas and does not produce a useful, concrete, and tangible result within useful arts.

***Claim Rejections - 35 USC § 112***

**9. Claims 1-18, 19-36, 37-45, 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

(1) Claim 1 recites the limitation "the answers to the questions" in line 13. There is insufficient antecedent basis for this limitation in the claim.

(2) In claim 1, it's not clear the relationship between "patient, friends and/or family of the patient" of the 1<sup>st</sup> step to the "individuals accessing the web pages" of the 2<sup>nd</sup> step? Are they related or not related? Claim steps and elements should be congruent to form a clear and definite scope of the claimed invention.

(3) In claim 1, it's not clear the relationship between the 1<sup>st</sup> step or 2<sup>nd</sup> step with the 3<sup>rd</sup> step of "identifying one or more organizations engaged in fundraising based on the answers to the questions"? There is insufficient antecedent basis for this limitation in the claim. Answers by the individuals or patient and friends and/or family of the patient?

(4) In claim 1, it's not clear the relationship "preferences and dislikes of individuals" of the 2<sup>nd</sup> step to the rest of the claim? There is no discussion of "preferences and dislikes of individuals" in the rest of the body of claim 1.

(5) Claim 19 recites the limitation "the answers to the questions" in line 13. There is insufficient antecedent basis for this limitation in the claim.

(6) In claim 19, it's not clear the relationship between "patient, friends and/or family of the patient" of the 1<sup>st</sup> element to the "individuals accessing the web pages" of

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the 2<sup>nd</sup> step? Are they related or not related? Claimed elements should be congruent to form a clear and definite scope of the claimed invention.

(7) In claim 19, it's not clear the relationship between the 1<sup>st</sup> element and 2<sup>nd</sup> element and the 1<sup>st</sup> element (web pages) with the 3<sup>rd</sup> element "means for soliciting donation"? There is insufficient antecedent basis for this limitation, "the answers to the questions", in the claim. Are the "answers" created by the individuals or patient and friends and/or family of the patient?

(8) In claim 19, it's not clear the relationship "preferences and dislikes of individuals" of the 2<sup>nd</sup> elements to the rest of the claim? There is no discussion of "preferences and dislikes of individuals" in the rest of the body of claim 19, either in 1<sup>st</sup> element (web pages) or 3<sup>rd</sup> element "means for soliciting".

(9) Claim 37 recites the limitation "the answers to the questions" in line 8. There is insufficient antecedent basis for this limitation in the claim.

(10) In claim 37, it's not clear the relationship between "patient, friends and/or family of the patient" of the 1<sup>st</sup> step to the "an individual accessing the web pages" of the 2<sup>nd</sup> step? Are they related or not related? Claim steps and elements should be congruent to form a clear and definite scope of the claimed invention.

(11) In claim 37, it's not clear the relationship between the 1<sup>st</sup> step or 2<sup>nd</sup> step with the 3<sup>rd</sup> step of "identifying one or more organizations engaged in fundraising based on the answers to the questions"? There is insufficient antecedent basis for this limitation in the claim. Answers by the individuals or patient and friends and/or family of the patient?

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(12) In claim 37, it's not clear the relationship "preferences and dislikes of individuals" of the 2<sup>nd</sup> step to the rest of the claim? There is no discussion of "preferences and dislikes of individuals" in the rest of the body of claim 37.

(13) Claim 46 recites the limitation "the individual's answers to the questions" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

(14) In claim 46, it's not clear the relationship "preferences and dislikes of individuals" of the 2<sup>nd</sup> step to the rest of the claim? There is no discussion of "preferences and dislikes of individuals" in the rest of the body of claim 46.

(15) Claim 46 is vague and indefinite because the preamble calls for a method for "managing a relationship" but there is no discussion of the "relationship" (i.e. between who?) and how it's carried out or managed? Merely identifying one or more organizations based on a response is not managing a relationship?

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.



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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**13. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over HODGES (US 2002/0116290) in view of SANDGREN et al.**

As for independent method claim 46, HODGES discloses a method of relationship management (matching donor with donee), comprising:

- (a) collecting information, via a website, regarding the preferences (or dislikes) of an individual (donor); and
- (b) identifying one or more organization engaged in fundraising based on the individual's information above. {see [0007, 0008, 0018, 0029, 0031]}.

As for the limitation of "asking one or more question", this is inherently included in the teaching of HODGES when collecting information from the donor in order to determine a match for the donation. Alternatively, the use of well known information collecting parameters, i.e. by asking one or more questions from the individual, would have been obvious to a skilled artisan as mere using well known technique for obtaining

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information. As for the limitation of type of individual, being one of a patient, friend or family of patient, this is non-essential to the scope of the claimed invention and thus carries no patentable weight. Note that the 2<sup>nd</sup> step merely concerns with using the information from the individual to identify a fundraising organization, irregardless the type of individual. Note that on [0003, 0029], HODGES discloses the donation of the IP assets from the donor to non-profit organizations, such as national laboratories, or research organizations, etc., to promote and enhance the product. Therefore, it would have been obvious for the individual to be one of a patient or friend of patient to donate IP assets, such as patents, know how/trade secret, etc. to American Cancer Society or Hodgkin's research center, to promote/enhance cancer treatment to cure cancer if the individual has cancer or has friend or family relative who currently has cancer.

HODGES fairly teaches the claimed invention except for the type of website, private group type.

SANDGREN et al is cited to teach a method and system for providing a secure online communications between registered participants such as a private group website accessible to members only or interactive family communication comprising one or more message boards having information about a particular subject (a particular person) and messages from friends, family and the desired person (see col. 1, lines 5-10, col. 2, lines 47-57, col. 4, lines 15-25, col. 5, lines 12-20, Fig. 3). It would have been obvious to modify the website of HODGES by including a message board in a private group website as taught by SANDGREN et al to provide more (1) secure/private online communications or (2) interactive communications between family or group members

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which inherently improves the sense of community support for the patient, as cited above.

**14. Claims 37-45 (method<sup>1</sup>), 1-18 (method<sup>2</sup>), 19-36 (apparatus<sup>1</sup>) are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (or AAPA) in view of RUSSELL et al (US 2002/0178079) or vice versa, and further in view of HODGES and SANDGREN et al.**

As for Independent claim 37 (method<sup>1</sup>), AAPA, as shown on page 2, line 23 to page 3, line 6, discloses a well known relationship between (1) a person being treated or receiving care or treatment (patient), (2) his friends or family and (3) the charitable organization and method of for fundraising for the organization from a friend of the patient (at least 1 of), comprising the steps of:

- (1) Patient being treated in a healthcare facility, i.e. hospital, for some disease, i.e. cancer, patients and friends/family take more personal interest cancer with the hope of finding a cure for cancer for the loved one,
- (2) Patients and friends learn more about cancer treatment and any ongoing research to find cures for cancer,
- (3) Support facilities that provide cancer treatment and support research to find cures for the disease, identify at least one organization engaged in fundraising to provide cancer treatment and support research to find cures for cancer,
- (4) make donations to charitable, non-profit and other organizations that provide such treatment and support such research and development.

Therefore, AAPA fairly teaches the claimed invention (last 2 steps) except for:

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(a) provide an access to a private group website allowing the (1) patient, (2) patient's friend or family to communicate with one another, and

(b) asking one or more questions, via the private group website, regarding the preferences and dislikes of an individual accessing the website.

However, as cited in (1) and (2) above, it appears that the patient's family must have asked one or more questions with the patient using telephone or personal contact about the sickness of the patient and received answer in order to come up with steps (2) or (3). Alternatively, it would have been obvious for the patient's family or friend to communicate, ask or question and answer, with the patient about his sickness/disease in order to come up with steps (2), (3) and (4) above. Therefore, it appears that AAPA teaches the claimed invention except for carrying out steps (a) and (b) using a private group website.

In a similar method for soliciting a charitable donation for an organization engaged in fundraising from at least one of (1) a deceased person, (2) a family or friend of the person, and (3) the organization and method of for fundraising for the organization from at least 1 of a friend of the patient {see [0169]}, RUSSEL et al teaches the method comprising the steps of:

(a) provide an access to a website allowing the (1) patient, (2) patient's friend or family to communicate with one another {see [0107 or 0230 "one destination to efficiently plan, create, store, update and implement specific information for coordinating mourners and communities ...one-stop Internet site, www.VIPtribute.com, or www.Metribute.com, and other activities, messages, gathering information into a single

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one-stop web site that offers a more convenient forum”], [0231 “information, wishes, donations”], [0233 “free threaded discussion, free chat area “], [0104 “questions and answer”], [0132 “arrangement dates and times”], Fig. 11, see under “creative interaction”, or Fig. 10 see “Bulletin Board Posting (BBS)”. Clearly, RUSSEL et al discloses or recommends the communication with one another which includes question and answer regarding preferences and dislikes of the individual accessing the website. Alternatively, it would have been obvious to a person of ordinary skill to modify the process of RUSSEL et al by communication through asking and answering questions regarding preferences and dislikes of the individual accessing the website. It would have been obvious to modify the process of AAPA by including steps (a) and (b) as taught by RUSSEL et al to obtain well known benefits of the Internet (vs. conventional telephone) which is more efficient ways to communicate and access information such as availability and cost, see also [0007] of RUSSEL et al.

Vice versa, it would have been obvious to modify the teaching of RUSSEL et al by selecting other type of person, such as person being treated or cared for (patient) as shown in AAPA and overcoming all of the shortage dealing with telephone for communication between parties and gathering information. As for the “planning” for visitation and dealing with the personal information with respect to the person being treated, these are nearly similar with visitation hours or cause of sickness. Moreover, the difference in the type of treated person, patient vs. deceased, is not critical and would have been obvious to a skilled artisan, since the focus is on improving communication between the person and his family or his friend.

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The teaching of RUSSEL et al /AAPA fairly discloses the claimed invention except for the (1) type of website, being a private group type and (2) of:

(2<sup>nd</sup> step) (or (b)): of "asking one or more questions, via the private group website, regarding the preferences and dislikes of an individual accessing the private group website".

SANDGREN et al is cited to teach a method and system for providing a secure online communications between registered participants such as a private group website accessible to members only or interactive family communication comprising one or more message boards having information about a particular subject (a particular person) and messages from friends, family and the desired person (see col. 1, lines 5-10, col. 2, lines 47-57, col. 4, lines 15-25, col. 5, lines 12-20, Fig. 3). It would have been obvious to modify the method and system of AAPA/RUSSELL et al or RUSSEL et al /AAPA by including a message board as taught by SANDGREN et al to provide more (1) secure/private communication and/or (2) interactive communications between family or group members which inherently improves the sense of community support for the patient.

In another method for soliciting of a charitable donation from the individual for the at least one charitable organization, HODGES discloses a method of relationship management (matching donor with donee), comprising:

(a) collecting information, via a website, regarding the preferences (or dislikes) of an individual (donor); and

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(b) identifying one or more organization engaged in fundraising based on the individual's information above. {see [0007, 0008, 0018, 0029, 0031]}.

As for the limitation of "asking one or more question", this is inherently included in the teaching of HODGES when collecting information from the donor in order to determine a match for the donation. Alternatively, the use of well known information collecting parameters, i.e. by asking one or more questions from the individual, would have been obvious to a skilled artisan as mere using well known technique for obtaining information. Note that on [0003, 0029], HODGES discloses the donation of the IP assets from the donor to non-profit organizations, such as national laboratories, or research organizations, etc., to promote and enhance the product. Therefore, it would have been obvious to modify the teachings of RUSSELL et al /AAPA / SANDGREN et al by asking one or more questions (collecting information) about the friend of patient, or Deb in RUSSELL et al [0169], to donate her IP assets, such as patents, know how/trade secret, etc. to American Cancer Society or Hodgkin's research center, instead of cash or electronic money / financial donation, thus promoting/enhancing cancer research for finding cure to cancer which is the desire of Anna's family in honor of her cancer related death.

**As for dep. claim 38** (part of 37), which deals with the type of information (question) related to the patient, this is immaterial modification with respect to the scope of the claimed invention (fundraising campaign), and is fairly taught in AAPA page 2, 3<sup>rd</sup> paragraph or RUSSEL et al [0169]. Alternatively, the selection of the question varying with person's condition and is considered as optimizing operating conditions or result

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effective variables and the optimizing of result effective variables is considered as routine experimentation to determine optimum or economically feasible reaction conditions and would have been obvious to the skilled artisan. In re Aller, 105 USPQ 233.

**As for dep. claims 39-40** (part of 37), which deals with the message board parameters, i.e. plurality of boards designated for different classes of users, these are immaterial modification in view of the scope of the invention, and are fairly taught in SANDGREN et al col. 4, lines 25-40. Moreover, merely duplication of parts (plurality) for multiple effects type of question is well known and would have been obvious to a skilled artisan. See In re Hazra, 124 UQ 378.

**As for dep. claim 41** (part of 37), which deals with the organization parameter, i.e. type such as charitable organization, this is immaterial modification in view of the claimed scope, and is taught in AAPA page 2 or RUSSEL et al [0169].

**As for dep. claim 42** (part of 37), which deals with the website parameter, i.e. includes visitation calendar, this is immaterial modification in view of the scope of the claim, and is taught in RUSSEL et al [0132 "arrangement dates and times", 0021 "coordination" and "planning ahead"]. See also Fig. 3 of SANDGREN et al for "calendar".

**As for dep. claim 43** (part of 37), which deals with an editing feature of the website, i.e. updating the schedule, this feature is mentioned in RUSSEL et al [0236] as part of the planning and gathering information. This is also inherently included in the teaching of SANDGREN et al as shown in Fig. 3.



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**As for dep. claims 44-45** (part of 37), which deals with receiving a pledge and payment for a charity donation, these are fairly taught in AAPA pages 2, 3<sup>rd</sup> paragraph to page 3, 1<sup>st</sup> paragraph or in RUSSEL et al [0169].

**As for the other similar Independent Method<sup>2</sup> claim 1 and apparatus<sup>1</sup> claim 19**, which basically provide the means for carrying out Independent Method<sup>2</sup> claim 1, they are rejected for the same rejection as shown in Independent Method<sup>1</sup> claim 37 above. Alternatively, the setting up of a equivalent apparatus sufficient to carry out a method claim is within the skill of the artisan and would have been obvious.

**As for dep. claims 2-4** (part of 1) and **dep. claims 20-22** (part of 19), they have similar limitation as in dep. claim 41 above, and are therefore rejected for the same reason set forth in dep. claim 41 above. Note, that the selection of other similar type of charitable organization, such as non-profit or hospital, would have been obvious to a skilled artisan as mere selection of other similar organization to achieve similar results, absent evidence of unexpected results.

**As for dep. claims 5-7, 9-15** (part of 1) and **dep. claims 23-25, 27-33** (part of 19), they have similar limitation as in dep. claims 39-40 above, and are therefore rejected for the same reason set forth in dep. claims 39-40 above.

**As for dep. claim 8** (part of 1) and **dep. claim 26** (part of 19), this is shown in SANDGREN et al col. 2, lines 10-15, or col. 5, lines 15-25.

**As for dep. claims 16-18** (part of 1) and **dep. claims 34-36** (part of 19), they have similar limitation as in dep. claims 43-45 respectively above, and are therefore rejected for the same reason set forth in dep. claims 43-45 above.

***Responses to Arguments***

15. Applicant's arguments filed 7/19/05 have been fully considered but they are not persuasive.

Applicant's comment that the Examiner has mischaracterized the Background of the Invention section of the present application is noted and this is not found persuasive because the examiner merely uses it to disclose well known facts in the preamble and a few steps in the body of the claim but not the solutions to the recognized problem by the applicants. See par. No. 14, above. "Therefore, AAPA fairly teaches the claimed invention (last 2 steps) except for:

(a) provide an access to a private group website allowing the (1) patient, (2) patient's friend or family to communicate with one another, and

(b) asking one or more questions, via the private group website, regarding the preferences and dislikes of an individual accessing the website". Note also that this well known teachings are also cited in RUSSELL et al above.

16. Applicant's arguments with respect to other issues in claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

I. NPL.

1) "Tis the Season to JustGive.org" or "JustGive.org" is cited to show well known website for providing a database of charities with profiles and database of donors with wish list and matching the donor and the donee. Note, that it has ability to **link to online charity shopping** such as RUSSELL et al and serve as a 3r party to provide service to donors and donees. It's cited here for applicant's awareness of potential use in the future if needed, thus minimizing duplicate rejections of claims in the current rejections.

2) NetworkforGodd.org is also cited to show well known website for providing a database of charities with profiles and database of donors with wish list and matching the donor and the donee. This is similar to the teachings of HODGES above.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
January 2, 2006

  
DEAN T. NGUYEN  
PRIMARY EXAMINER